

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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12400 WILSHIRE BOULEVARD, 7TH FLOOR  
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## FACSIMILE COVER SHEET

Deliver to: Temica M. Davis Art Group: 2685  
Company Name: USPTO  
Facsimile No.: (703) 872-9306 Date: October 11, 2004  
From: Jonathan S. Miller, Reg. No. 48,534  
Our Docket No.: 82225P2813D3 Number of pages 16 including this sheet.  
Application: 09/405,826 Filing Date: 9/24/1999

Subject

URGENT - Response to Final Office Action

Remarks

Enclosed is the Response to Final Office Action faxed on October 11, 2004.  
Also attached are the facsimile confirmation sheets of the transmission on October 11, 2004.

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14 (including cover page)

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001-11-2004 04:36pm From:8372 LA 310625006 T-001 P-001 F-020

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12400 WILSHIRE BOULEVARD, 11TH FLOOR  
LOS ANGELES, CA 90025 FACSIMILE: (310) 820-5088

**FACSIMILE COVER SHEET**

Deliver to: Terence M. Davis USPTO Art Group: 2685  
Facsimile No.: (703) 872-9315 Date: October 11, 2004  
From: Jonathan S. Miller, Reg. No. 48,534  
Our Docket No.: 8227-SF2813DA Number of pages: 14, including this sheet.  
Application No.: 09/1405,826 Filing Date: 9/24/1999  
Docket Due Date(s): 10/10/2004

Enclosed are the following documents:

<input type="checkbox"/> Amendment: <u>After Final</u> ( <u>10</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) ( <u>    </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: _____ ( <u>    </u> pgs) w/recover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Entitlement _____	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)
<input type="checkbox"/> Declaration & PCA ( <u>    </u> pgs)	<input type="checkbox"/> Request to Reexamine Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>      </u> sheets, <u>      </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PYNDISYON ( <u>    </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING TRANSMISSION (37 CFR 1.64)**  
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[Signature] 10/11/2004  
Luis E. Rodriguez Date

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PAGE TWO \* SENT AT 10/11/2004 7:32:31 PM [Eastern Daylight Time] BY USPTO EPXDP/12 \* DWS:8729315 \* CSD:310820593 \* DURATION (mm:ss):04:28

## Confirmation Report - Memory Send

Time : Oct-11-2004 04:41pm  
 Tel line : 3108205988  
 Name : BSTZ LA

Job number : 820  
 Date : Oct-11 04:36pm  
 To : 1032#082225#4281333#17038729315#  
 Document pages : 014  
 Start time : Oct-11 04:36pm  
 End time : Oct-11 04:40pm  
 Pages sent : 014  
 Status : OK

Job number : 820

\*\*\* SEND SUCCESSFUL \*\*\*

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

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FACSIMILE: (310) 820-3983

## FACSIMILE COVER SHEET

Deliver to: Tamara M. Davis, USPTO Art Group: 2685  
 Facsimile No.: (703) 872-9315 Date: October 11, 2004  
 From: Jonathan S. Miller, Reg. No. 48,534  
 Our Docket No.: 82225P2813D3 Number of pages 14 including this sheet.  
 Application No.: 09/405,826 Filing Date: 9/24/1999  
 Docket Due Date(s): 10/10/2004

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment <u>After Final</u> ( <u>10</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) ( <u>    </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: ( <u>    </u> pgs) w/cover & abstract	<input type="checkbox"/> Petition for: <u>                    </u>
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of <u>Facsimile</u>	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)	<input type="checkbox"/> Request to Reconsider Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: <u>                    </u>	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SGRDs ( <u>    </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other: <u>                    </u>	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION 37 CFR 1.841**  
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Jonathan S. Miller 10/11/2004  
 Jonathan S. Miller Dye

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**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (310) 207-3800

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12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (310) 820-5988

**FACSIMILE COVER SHEET**RECEIVED  
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Deliver to: Temica M. Davis, USPTO Art Group: 2685  
 Facsimile No.: (703) 872-9315 Date: October 11, 2004  
 From: Jonathan S. Miller, Reg. No. 48,534  
 Our Docket No.: 82225P2813D3 Number of pages 14 including this sheet.  
 Application No.: 09/405,826 Filing Date: 9/24/1999  
 Docket Due Date(s): 10/10/2004

Enclosed are the following documents:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>10</u> pgs)   | <input type="checkbox"/> Issue Fee Transmittal                                     |
| <input type="checkbox"/> Appeal Brief (in triplicate) ( <u>    </u> pgs)   | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application: <u>                                    </u>  | <input type="checkbox"/> Petition for: <u>                                    </u> |
| ( <u>    </u> pgs) w/cover & abstract)   | <input type="checkbox"/> Request for Continued Examination (RCE)                   |
| <input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)   | <input type="checkbox"/> Reply Brief ( <u>    </u> pgs)                            |
| <input checked="" type="checkbox"/> Certificate of <u>Facsimile</u>  | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)      |
| <input type="checkbox"/> Continued Prosecution Application (CPA)   | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request        |
| <input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)  | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter  |
| <input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures   | <input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)            |
| <input type="checkbox"/> Extension of Time: <u>                                    </u>                                    | <input type="checkbox"/> Terminal Disclaimer                                       |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)   | <input type="checkbox"/> Transmittal of Publication Fee Due                        |
| <input type="checkbox"/> IDS & PTO/SB/08 ( <u>    </u> pgs)  | <input checked="" type="checkbox"/> Transmittal Letter                             |
| <input type="checkbox"/> Other <u>  </u> |  |

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10/11/2004

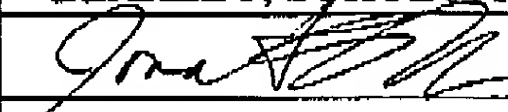
Date

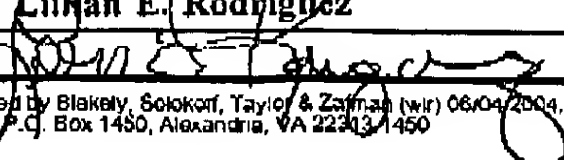
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/405,826
		Filing Date	September 24, 1999
		First Named Inventor	Annette Wagner
		Art Unit	2685
		Examiner Name	Temica M. Davis
Total Number of Pages in This Submission	14	Attorney Docket Number	82225P2813D3

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Facsimile Cover Sheet</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jonathan S. Miller, Reg. No. 48,534 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 11, 2004

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Lillian E. Rodriguez		
Signature		Date	October 11, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.TOTAL AMOUNT OF PAYMENT (\$)  
0.00

## Complete if Known

Application Number	09/405,826
Filing Date	September 24, 1999
First Named Inventor	Annette Wagner
Examiner Name	Temica M. Davis
Art Unit	2685
Attorney Docket No.	82225P2813D3

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None☒ Deposit AccountDeposit  
Account  
Number

02-2666

Deposit  
Account  
Name

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
- ☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	385	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	750	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

## 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	21	42*	0
Independent Claims	6	9	0
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	19	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple Dependent claim, if not paid	
1204	68	2204	44	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)  
0.00

\*or number previously paid, if greater. For Reissues, see below

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	820 *	1804	820 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	680	2253	480	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1404	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	730	2801	365	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)


\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Jonathan S. Miller	Registration No. (Attorney/Agent)	48,534	Telephone	(310) 207-3800
Signature		Date	10/11/04		

Based on PTO/SB/17 (10-02) as modified by Blakely, Sokoloff, Taylor & Zafman and 02/10/2004.  
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